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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

MM Docket No. 87-268

TO: The Commission

SUPPLEMENT TO
PETITION FOR RECONSIDERATION

The Estate of Hector Nicolau, licensee of Station WTIN(TV), Ponce, Puerto Rico (the "Licensee"), hereby supplements its June 12, 1997, Petition for Reconsideration of the Commission's Sixth Report and Order, released April 21, 1997, in MM Docket No. 87-268 ("Sixth R&O"), with respect to the channel allotted therein for DTV use by WTIN. This Supplement is filed pursuant to the Commission's July 2, 1997, Order in this proceeding, which provides that parties that submitted petitions for reconsideration requesting modification of their DTV allotments may submit supplemental filings relating to those requests on or before August 22, 1997.

1. WTIN currently operates on NTSC Channel 14, and in the Sixth R&O was allotted Channel 67 for use during the transition to digital television operation. As demonstrated in the Licensee's Petition for Reconsideration, Channel 67 is an unacceptable allotment, but Channel 15 is an acceptable alternate channel that could be allotted for use by WTIN. Attached hereto

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is the engineering statement of John F.X. Browne, P.E., supporting the feasibility of the use of DTV Channel 15 at Ponce.

2. The public interest would be served by the substitution of Channel 15, a core channel, for Channel 67 at Ponce in the DTV Table of Allotments. Continuity of service on a single channel would provide greater certainty to viewers of WTIN, and optimal service to the public is more likely ensured if the Licensee is not burdened with the additional costs involved in multiple channel changes, which would be necessary if Channel 67 is allotted.

3. In sum, the Licensee hereby submits its Supplement to its June 12, 1997, Petition for Reconsideration of the allotment of DTV Channel 67 for use with NTSC Channel 14 in Ponce, Puerto Rico, to support its request that Channel 15 is an acceptable alternate channel, and should be substituted for Channel 67 at Ponce in the DTV Table of Allotments.

Respectfully submitted,

THE ESTATE OF HECTOR NICOLAU

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August 22, 1997



ENGINEERING STATEMENT

re

Estate of Hector Nicolau
Petition for Reconsideration
WTIN-TV Ponce, PR

Background

The Estate of Hector Nicolau (Nicolau) is the licensee of WTIN-TV, Ponce, P.R. WTIN operates on Channel 14 and is presently constructing new facilities which will greatly improve its coverage of the Island of Puerto Rico. WTIN-TV has been allotted Channel 67 for its DTV facilities. This channel is out of the core group of DTV channels and the Commission's plans for the reallocation of this frequency will cause Nicolau to construct DTV facilities twice at great cost and inconvenience.

Alternative Channels

A study has been conducted to evaluate the possibilities for proposing an alternative channel for WTIN-DT. Using guidance from OET-69 and the Commission's rules, it has been determined that Channel 15, adjacent to WTIN's NTSC facility on Channel 14, could be allotted without creating any more interference than would have resulted from its allotment on channel 67. This pairing of channels also makes best use of the spectrum.

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Conclusion

It is requested that the Commission consider the allotment of Channel 15 to WTIN-DT in place of Channel 67.

Certification

This statement was prepared by me or under my direction. All assertions contained in the statement are true of my own personal knowledge except where otherwise indicated and these latter assertions are believed to be true.

A handwritten signature in black ink, appearing to read "John F.X. Browne", written over a horizontal line.

John F.X. Browne, P.E.
August 21, 1997